

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
Dave Sheehan

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

P. CHARLES GABRIELE,

Defendant.

Adv. Pro. No. 10-04724 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard

L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendant P. Charles Gabriele (“Defendant”), by and through his counsel, Milberg LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 12, 2010, the Trustee filed and served the Complaint against P. Charles Gabriele. On December 2, 2011, the Trustee filed and served an Amended Complaint against the Defendant. The Complaint and Amended Complaint sought, *inter alia*, the recovery of avoidable transfers.
2. On August 17, 2015, P. Charles Gabriele served an answer on the Trustee.
3. On September 9, 2016 the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].
4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against P. Charles Gabriele in the above-captioned adversary proceeding and dismissing the adversary proceeding.
5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.
6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: September 29, 2016

BAKER & HOSTETLER LLP

By: /s/ Dominic A. Gentile

45 Rockefeller Plaza

New York, New York 10111

Telephone: 212.589.4200

Facsimile: 212.589.4201

David J. Sheehan

Email: dsheehan@bakerlaw.com

Keith R. Murphy

Email: kmurphy@bakerlaw.com

Robertson D. Beckerlegge

Email: rbeckerlegge@bakerlaw.com

Dominic A. Gentile

Email: dgentile@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Substantively Consolidated
SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate
of Bernard L. Madoff*

MILBERG LLP

By: /s/ Joshua E. Keller

One Pennsylvania Plaza, 49th Floor

New York, New York 10119

Telephone: 212.946.9318

Facsimile: 212.504.8142

Joshua E. Keller

Email: jkeller@milberg.com

Attorneys for Defendant P. Charles Gabriele

SO ORDERED

Dated: September 29th, 2016
New York, New York

/s/ STUART M. BERNSTEIN

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE